

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:20-cv-04935-VEC**

Franklin v. Whole Foods Market Group, Inc. et al  
Assigned to: Judge Valerie E. Caproni  
Cause: 28:1332 Diversity Action

Date Filed: 06/26/2020  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights:  
Other  
Jurisdiction: Diversity

**Plaintiff**

**Henry Franklin**

*on behalf of himself and others  
similarly situated*

represented by **Rony Guldmann**

Lee Litigation Group, PLLC  
148 W. 24th Street  
Ste 8th Floor  
New York, NY 10011  
917-685-4463  
Email:  
guldmann@alumni.stanford.edu  
*ATTORNEY TO BE NOTICED*

**C.K. Lee**

Lee Litigation Group, PLLC  
148 west 24th Street  
Ste 8th Floor  
New York, NY 10011  
212-465-1180  
Fax: 212-465-1181  
Email: ckle@leelitigation.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Whole Foods Market Group, Inc.**

represented by **Grace Elizabeth Hart**

Gibson, Dunn & Crutcher, LLP (NY)  
200 Park Avenue  
New York, NY 10166  
212-351-6372  
Email: GHart@gibsondunn.com  
*ATTORNEY TO BE NOTICED*

**Jason C. Schwartz**

Gibson, Dunn & Crutcher, LLP (DC)  
1025 Connecticut Avenue, N.W.

Washington, DC 20036  
(202) 955-8242  
Fax: (202) 530-9522  
Email: jschwartz@gibsondunn.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Amazon.com, Inc.**

represented by **Grace Elizabeth Hart**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jason C. Schwartz**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/26/2020	<a href="#"><u>1</u></a>	COMPLAINT against Amazon.com, Inc., Whole Foods Market Group, Inc.. (Filing Fee \$ 400.00, Receipt Number ANYSDC-20447931)Document filed by Henry Franklin. (Attachments: # <a href="#"><u>1</u></a> Exhibit A, # <a href="#"><u>2</u></a> Exhibit B).(Lee, C.K.) (Entered: 06/26/2020)
06/26/2020	<a href="#"><u>2</u></a>	CIVIL COVER SHEET filed..(Lee, C.K.) (Entered: 06/26/2020)
06/26/2020	<a href="#"><u>3</u></a>	REQUEST FOR ISSUANCE OF SUMMONS as to Whole Foods Market Group, Inc., re: <a href="#"><u>1</u></a> Complaint. Document filed by Henry Franklin..(Lee, C.K.) (Entered: 06/26/2020)
06/26/2020	<a href="#"><u>4</u></a>	REQUEST FOR ISSUANCE OF SUMMONS as to Amazon.com, Inc., re: <a href="#"><u>1</u></a> Complaint. Document filed by Henry Franklin..(Lee, C.K.) (Entered: 06/26/2020)
06/29/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Valerie E. Caproni. Please download and review the Individual Practices of the assigned District Judge, located at <a href="https://nysd.uscourts.gov/judges/district-judges">https://nysd.uscourts.gov/judges/district-judges</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="https://nysd.uscourts.gov/rules/ecf-related-instructions">https://nysd.uscourts.gov/rules/ecf-related-instructions</a> ..(pne) (Entered: 06/29/2020)
06/29/2020		Magistrate Judge Debra C. Freeman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf">https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf</a> . (pne) (Entered: 06/29/2020)

06/29/2020		Case Designated ECF. (pne) (Entered: 06/29/2020)
06/29/2020	<a href="#">5</a>	ELECTRONIC SUMMONS ISSUED as to Whole Foods Market Group, Inc...(pne) (Entered: 06/29/2020)
06/29/2020	<a href="#">6</a>	ELECTRONIC SUMMONS ISSUED as to Amazon.com, Inc...(pne) (Entered: 06/29/2020)
06/30/2020	<a href="#">7</a>	NOTICE OF INITIAL PRETRIAL CONFERENCE: In light of the COVID-19 situation, the Court will conduct the Initial Pretrial Conference ("IPTC") in accordance with Rule 16 of the Federal Rules of Civil Procedure on August 21, 2020 at 10:00 a.m. by teleconference. At the scheduled time, counsel for all parties should call 888-363-4749, Access code 3121171#, Security code 4935. SO ORDERED. Initial Conference set for 8/21/2020 at 10:00 AM before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 6/30/2020) (kv) (Entered: 06/30/2020)
08/18/2020	<a href="#">8</a>	NOTICE OF APPEARANCE by Grace Elizabeth Hart on behalf of Amazon.com, Inc...(Hart, Grace) (Entered: 08/18/2020)
08/18/2020	<a href="#">9</a>	<b>FILING ERROR - DEFICIENT DOCKET ENTRY -</b> MOTION for JASON C. SCHWARTZ to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21215369. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Amazon.com, Inc.. (Attachments: # <a href="#">1</a> Affidavit of Jason C. Schwartz, # <a href="#">2</a> Exhibit A - Certificates of Good Standing, # <a href="#">3</a> Text of Proposed Order).(Schwartz, Jason) Modified on 8/19/2020 (bcu). (Entered: 08/18/2020)
08/19/2020		<b>&gt;&gt;&gt;NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <a href="#">9</a> MOTION for JASON C. SCHWARTZ to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21215369. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): Attorney Affidavit not notarized.;. Re-file the motion as a Corrected Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (bcu) (Entered: 08/19/2020)</b>
08/19/2020	<a href="#">10</a>	CONSENT LETTER addressed to Judge Valerie E. Caproni from Jason C. Schwartz dated August 19, 2020 re: adjournment of the Initial Pretrial Conference. Document filed by Amazon.com, Inc...(Hart, Grace) (Entered: 08/19/2020)
08/19/2020	<a href="#">11</a>	MEMO ENDORSEMENT on re: <a href="#">10</a> Letter filed by Amazon.com, Inc. ENDORSEMENT: The Aug. 21 initial conference is adjourned to September 11, 2020, at 11:00 A.M. Joint pre-conference submissions are due by September 3, 2020. All parties and any interested members

		of the public must attend by dialing 1-888-363-4749, using the access code 3121171 and the security code 4935. All attendees are advised to mute their phones when not speaking and to self-identify each time they speak. SO ORDERED. (Initial Conference set for 9/11/2020 at 11:00 AM before Judge Valerie E. Caproni.) (Signed by Judge Valerie E. Caproni on 8/19/2020) (jca) (Entered: 08/19/2020)
08/19/2020	<a href="#">12</a>	ORDER FOR ADMISSION PRO HAC VICE: The motion of Jason C. Schwartz for admission to practice pro hac vice in the above captioned action is granted. (Signed by Judge Valerie E. Caproni on 8/19/2020) (nb) (Entered: 08/19/2020)
09/02/2020	<a href="#">13</a>	NOTICE OF APPEARANCE by Grace Elizabeth Hart on behalf of Whole Foods Market Group, Inc...(Hart, Grace) (Entered: 09/02/2020)
09/02/2020	<a href="#">14</a>	NOTICE OF APPEARANCE by Jason C. Schwartz on behalf of Whole Foods Market Group, Inc...(Schwartz, Jason) (Entered: 09/02/2020)
09/03/2020	<a href="#">15</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent no corporate parent and no publicly held coporation owns 10 percent or more of its stock for Amazon.com, Inc.; Corporate Parent Amazon.Com, Inc. for Whole Foods Market Group, Inc.. Document filed by Amazon.com, Inc., Whole Foods Market Group, Inc...(Schwartz, Jason) (Entered: 09/03/2020)
09/03/2020	<a href="#">16</a>	JOINT LETTER addressed to Judge Valerie E. Caproni from C. K. Lee and Jason C. Schwartz dated September 3, 2020 re: submissions in advance of initial pretrial conference. Document filed by Amazon.com, Inc., Whole Foods Market Group, Inc.. (Attachments: # <a href="#">1</a> Exhibit A - Plaintiff's Proposed Case Management Plan & Scheduling Order, # <a href="#">2</a> Exhibit B - A - Defendants' Proposed Case Management Plan & Scheduling Order).(Schwartz, Jason) (Entered: 09/03/2020)
09/04/2020	<a href="#">17</a>	<b><a href="#">17</a> FILING ERROR - DEFICIENT DOCKET ENTRY - (SEE DOCUMENT #18)</b> MOTION to Dismiss / <i>Defendants' Notice of Motion to Dismiss the Plaintiff's Amended Complaint</i> . Document filed by Amazon.com, Inc., Whole Foods Market Group, Inc...(Schwartz, Jason) Modified on 9/8/2020 (lb). (Entered: 09/04/2020)
09/04/2020	<a href="#">18</a>	MOTION to Dismiss / <i>Defendants' Notice of Motion to Dismiss the Plaintiff's Complaint [CORRECTED]</i> . Document filed by Amazon.com, Inc., Whole Foods Market Group, Inc...(Schwartz, Jason) (Entered: 09/04/2020)
09/04/2020	<a href="#">19</a>	MEMORANDUM OF LAW in Support re: <a href="#">18</a> MOTION to Dismiss / <i>Defendants' Notice of Motion to Dismiss the Plaintiff's Complaint [CORRECTED]</i> . . Document filed by Amazon.com, Inc., Whole Foods Market Group, Inc...(Schwartz, Jason) (Entered: 09/04/2020)
09/04/2020	<a href="#">20</a>	DECLARATION of JASON C. SCHWARTZ in Support re: <a href="#">18</a> MOTION to Dismiss / <i>Defendants' Notice of Motion to Dismiss the Plaintiff's Complaint [CORRECTED]</i> .. Document filed by

		Amazon.com, Inc., Whole Foods Market Group, Inc.. (Attachments: # <a href="#">1</a> Exhibit A - Screening Report, # <a href="#">2</a> Exhibit B - Sponsor Memo).(Schwartz, Jason) (Entered: 09/04/2020)
09/10/2020	<a href="#">21</a>	NOTICE OF APPEARANCE by Rony Guldmann on behalf of Henry Franklin..(Guldmann, Rony) (Entered: 09/10/2020)
09/11/2020	<a href="#">22</a>	ORDER: WHEREAS the parties appeared for an initial pre-trial conference on Friday, September 11, 2020; and WHEREAS the Plaintiff indicated that he will be filing an Amended Complaint by no later than Friday, September 25, 2020; IT IS HEREBY ORDERED THAT discovery is stayed pending the filing of an Amended Complaint and the resolution of a subsequent Motion to Dismiss, were one to be filed. IT IS FURTHER ORDERED THAT if the parties do decide that they wish to convene a settlement conference, they must submit a joint letter and this Court will issue a referral to Magistrate Judge Debra Freeman for a settlement conference. (Amended Pleadings due by 9/25/2020.) (Signed by Judge Valerie E. Caproni on 9/11/2020) (nb) (Entered: 09/11/2020)
09/11/2020		Minute Entry for proceedings held before Judge Valerie E. Caproni: Telephone Conference held on 9/11/2020. Attorneys C.K. Lee and Rony Guldmann present for the plaintiff. Attorneys Grace Hart and Jason Schwartz present for the defendants. Court Reporter Lisa Smith present. (anc) (Entered: 09/11/2020)

**PACER Service Center**

**Transaction Receipt**

09/13/2020 11:39:21

<b>PACER Login:</b>	CRClearinghouse	<b>Client Code:</b>	Denbo
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:20-cv-04935-VEC
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.40